

**PLANNING AND ZONING COMMISSION
DRAFT MINUTES
PUBLIC HEARING / GENERAL MEETING
NOVEMBER 1, 2016**

Place: Room 206

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, Cunningham, Olvany, Rand, Sini, Jr., Voigt

STAFF ATTENDING: Ginsberg, Keating, Doneit
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Land Filling & Regrading Application #338-A, Todd Marcy, 5 Top O'Hill Road. Proposing to fill and regrade and construct an associated retaining wall, and to perform related site development activities. The subject property is located on the west side of Top O' Hill Road approximately 300 feet north of its intersection with Christie Hill Road, and is shown on Assessor's Map #29 as Lot #84 in the R-1 Zone. *PUBLIC HEARING WAS OPENED ON 9/22/2016, WAS IMMEDIATELY CONTINUED TO 10/4/2016, AND THEN TO 10/25/2016. THIS ITEM TO BE IMMEDIATELY CONTINUED TO 11/22/2016.*

Chairman Cameron announced that this item was immediately continued to November 22, 2016 and then read the next agenda item:

Continuation of Public Hearing regarding Special Permit Application #266-A, Site Plan Application #279-A, Land Filling & Regrading Application #259-A, Maplewood at Darien, 581-599 Boston Post Road. Proposing to demolish the building at 581 Boston Post Road; combine the property with 599 Boston Post Road; and to construct an addition to the existing Assisted Living and Memory Care building--with units for both traditional assisted living and for memory care; to create underground parking, and to perform related site development activities. The subject properties are on the north side of Boston Post Road, approximately 285 feet east of the intersection of Brookside Road, and are shown on Assessor's Map #14 as Lots #33 (599 Boston Post Road) and #34 (581 Boston Post Road) and are located in the DB-2 and R-1/2 Zones. *PUBLIC HEARING ORIGINALLY OPENED ON 9/27/2016. DEADLINE TO CLOSE PUBLIC HEARING IS 11/1/2016, UNLESS EXTENSION OF TIME IS GRANTED BY APPLICANT.*

Amy Zabetakis, of Rucci Law Group, the applicant's attorney, said that the ARB has reviewed the applicant's latest submission/revisions with respect to the revised building due to the location of the driveway entrance and supports the building design in a letter dated October 31, 2016. Attorney Zabetakis described the revised site plan indicating that one of the entrances had been removed, creating a one-way drive-in and that the width of the drive isle has been increased to allow for better vehicular circulation. The area in front of the building is designated for loading and unloading and for emergency vehicle parking only. The size of the area is large enough to accommodate large

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trucks. This will eliminate the parking of trucks on the street and/or sidewalk as they make deliveries to the facility.

Chairman Cameron said that it is up to Maplewood staff to manage the use of and circulation of vehicles this area. Attorney Zabetakis said that signage was important to help regulate the use of the area and that the area is appropriately signed. Attorney Zabetakis also said that the existing transformer needs to be relocated and that the applicant is working with Eversource to make this happen. The proposed location of the transformer is estimated on the plans on the northeast portion of the site. The transformer will be landscaped and screened from view in its new location.

Attorney Zabetakis said that new underground parking facilities are proposed to accommodate the additional units. She indicated that there are currently 66 residential units with 35 parking spaces. An additional 30 proposed parking spaces would accommodate the additional 28 proposed residential units. The new underground parking structure will align with the front of the existing parking. There will be a new emergency exit stairway from the second floor of the building.

Attorney Zabetakis said that this living facility generates more than normal parking demand and that the demand at mid-day is highest due to visitors and hired private aids, but that the facility is in conformance with the Town's parking regulations. Parking counts were completed by the applicant in September 2016 and are detailed in a September 22, 2016 letter. The applicant believes that, based on the counts, that there will be an excess of parking available, but that ten additional spaces would be leased from the First Congregational Church across Boston Post Road. Attorney Zabetakis said that during construction of the proposed improvements, an additional ten parking spaces could be leased from a neighboring commercial property to the east, or from the Church.

It was further noted by Attorney Zabetakis that approval from CTDOT is needed for curb cuts, that drainage improvements connect into the street, that additional open space has been added and would be dedicated to the Town, that the building is fully sprinklered, and that the plans are in conformance with Sections 625, 627, and 907 of the Town's Zoning Regulations.

Mr. Stein, the applicant's architect, said that a new emergency electrical generator will be installed and that the entire building will be sprinklered. He indicated that the improvements had been designed with an 11 foot 1 inch floor to floor height with ceiling heights between eight and nine feet. Mr. Stein said that more one bedroom units were proposed as part of the improvements and that the new units would be larger than existing units by ten to fifteen percent. Mr. Stein said that the new ground floor would be exposed at the front and that the new retaining wall would be six feet at its highest point.

Joe Canas from Tighe & Bond said that he had first reviewed the applicant's plans on September 9, 2016 and issued a comment letter dated September 21 to which the applicant responded with revised plans and supplementary information. Mr. Canas said that all of his concerns had been addressed as part of the applicant's latest submission. He issued a letter dated November 1, 2016, indicating same.

Tom Geary, a neighboring property owner across Boston Post Road, spoke at the public hearing. Mr. Geary expressed concerns with respect to delivery trucks in the street, visitor parking, and expected parking, particularly during construction of the improvements. Mr. Geary said that he only

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has twelve parking spaces for his commercial building and that people visiting the assisted living facility will use his parking spaces. He said that it has been, and will continue to be a problem and that he should not need to hire a guard.

Mr. Sini asked if it was possible for the applicant to lease additional parking spaces at the church. Attorney Zabetakis said that the Milone & MacBroom parking study included and considered all sixteen parking spaces at the McKiernan site (581 Boston Post Road).

Andrew Deery from Maplewood said that it was possible for Maplewood to lease an additional five spaces from the church and that they could lease at least ten or more parking spaces from another nearby property if they were needed. He said that Maplewood will work with Mr. Geary to be a good neighbor and to address his concerns. Mr. Deery said that they will install surveillance cameras and that they would police activity and tow vehicles if necessary.

Mr. Olvany said that parking spaces on other sites do not count to meet parking requirements and that the applicant cannot make those sites non-conforming. Mr. Olvany suggested that perhaps signage could be installed on Mr. Geary's building indicating that parking is not permitted for visitor or employees of Maplewood in this location. Mr. Geary said that there is no place for signage and that he thinks Maplewood should hire a parking guard. Mr. Deery said that parking would be a condition of the contractor's agreement and contract.

Chairman Cameron asked if there were any additional comments from the Commission and then whether there was any additional comment from the public. Seeing none, the following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

At about 8:35 p.m., Chairman Cameron then read the following agenda item:

GENERAL MEETING

Discussion, deliberations, and possible decisions regarding:

Coastal Site Plan Review #314, Land Filling & Regrading Application #392, Clover Properties, LLC, 67 Salem Straits. Proposal to construct a replacement single-family residence with in-ground pool; regrade for a new retaining wall and garage backout area; and to perform related site development activities within a regulated area. *PUBLIC HEARING CLOSED: 9/27/2016. DECISION DEADLINE: 12/1/2016.*

The following motion was made: That the Planning & Zoning Commission waive the process of reading all the draft resolutions aloud because each member has had an opportunity to review the drafts prior to the meeting. The motion was made by Mr. Voigt, seconded by Mr. Rand and unanimously approved.

Mr. Ginsberg said that one of the issues to be discussed was hoe-ramming versus blasting. He said that even though hoe-ramming wasn't desirable from the Commission's standpoint, it seemed to work in this case because the neighbors would prefer hoe-ramming to blasting. A condition

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permitting fourteen days of hoe-ramming and an addition three days of blasting was noted. The applicant would be required to come back before the Commission for any additional request for hoe-ramming or blasting.

The Commission discussed and agreed upon minor modifications to the draft resolution.

The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved, 5-0. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 1, 2016**

Application Number: Coastal Site Plan Review #314
Land Filling & Regrading Application #392

Street Address: 67 Salem Straits
Assessor's Map #62 Lot #65

Name and Address of
Applicant and:
Applicant's Representative: Jacek Bigosinski
PB Architects
110 Boston Post Road
Darien, CT 06820

Name and Address of
Property Owner: Clover Properties, LLC
c/o 142 Goodwives River Road
Darien, CT 06820

Activity Being Applied For: Proposal to: construct a replacement single-family residence with in-ground pool; regrade for a new retaining wall and garage backout area; and to perform related site development activities within a regulated area.

Property Location: The subject property is located on the north side of Salem Straits approximately 200 feet northeast of its intersection with Candlewood Lane.

Zone: R-1

Date of Public Hearing: July 26, 2016 immediately continued to
September 13, 2016 and continued on September 27, 2016
Deliberations Held: October 4, 2016

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

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Dates: July 15 & 23, 2016

Newspaper: Darien News

Date of Action: November 1, 2016

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
November 11, 2016

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to construct a replacement single-family residence with in-ground pool; regrade for a new retaining wall and garage backout area; and to perform related site development activities within a regulated area. The subject property is 1.59 acres in an R-1 Zone.
2. During the public hearing process, the plans were revised to:
 - Reduce the size of the full basement, which would therefore reduce the amount of hoe-ramming and/or blasting of the rock required for this project.
 - Elimination of any proposed Cultec units behind the proposed residence. Stormwater management will consist of a proposed rain garden in the southwest corner of the property.
 - Eliminate any proposed changes to the existing driveways.
 - Eliminate other work which may have required either EPC approval or EPC agent approval. The fact that there is no work on the subject property that requires EPC approval is confirmed in a September 23, 2016 memo from Richard Jacobson to the Planning & Zoning Commission.
3. At the public hearing, the applicant's architect, Mr. Bigosinski, noted that the neighbors would prefer to avoid blasting and would prefer to have chipping or hoe-ramming of the existing on-site ledge/rock. Mr. Bigosinski said that the basement design has been shifted to minimize the amount of necessary excavation and rock chipping in that area. During the public hearing process, the neighbors were represented and weighed in on their preference for hoe-ramming in lieu of blasting. It was noted by the Planning & Zoning Commission that it might be appropriate to limit the amount of hoe ramming for a certain number of days.

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4. As part of this application, the property owner will be cleaning out the reinforced concrete pipe (RCP) through the subject property. If the pipe is damaged or destroyed during the construction process, the owner will need to apply to the Environmental Protection Commission (EPC) to request its replacement.
5. At the public hearing, the applicant said that the existing driveway will remain in the same location and it is 10 feet wide at its narrowest point, and 17 feet wide at its maximum width. The existing driveway will be resurfaced rather than being relocated. If circumstances change, the owner may need review and action by the EPC and then the Planning & Zoning Commission, for proposed expansion of the driveway.
6. The subject property is across the street from Scott's Cove. The applicant is addressing stormwater management via a proposed rain garden in the southwest corner of the property, which addresses water quality.
7. Stormwater management has been proposed by the applicant, thus, an associated Drainage Maintenance Plan will need to be prepared by the applicant's engineer for review by the Planning and Zoning Director. The Commission notes the need for the applicant or property owner(s) to file an associated Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
8. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
9. The proposed activities' potential adverse impacts on coastal resources, as modified within this resolution, are acceptable, and are consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The conditions, as outlined herein, include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.
10. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
11. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #314 and Land Filling & Regrading Application #392 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and regrading shall be in accordance with the plans entitled:
 - Drainage Plan, Clover Properties, LLC, 67 Salem Straits, by Fairfield County Engineering, LLC, last revised 9/22/16, Sheet 1 of 2.
 - Detail Sheet, Clover Properties, LLC, 67 Salem Straits, by Fairfield County Engineering, LLC, last revised 9/14/16, Sheet 2 of 2.

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- New Residence: 67 Salem Straits, by PB Architects, floor plans, last updated, 7/21/2016, Drawing No. A-0 through A-3.
- Proposed Site Plan of Property Located at 67 Salem Straits prepared for Clover Properties, LLC, by Laferriere Associates, dated March 30, 2015 and last revised July 21, 2016.
- Zoning Location Survey Property Survey, of Property Located at 67 Salem Straits, by Laferriere Associates, scale 1"=20', dated March 30, 2015 and last revised 7/5/16.

On or before December 1, 2016, and prior to the issuance of a Zoning or Building Permit for the new house foundation, the survey shall be corrected to reflect the proper Map reference in Note 1 and the proper Map and Lot in Note 8.

- B. At the public hearing, it was noted that blasting and/or hoe-ramming will need to be done to implement the project as designed. The Commission hereby requires that any blasting and/or hoe-ramming be done only during the hours of 8 a.m. to 4:30 p.m. on weekdays (not holidays or weekends). It was represented by the applicant that approximately fourteen (14) days of hoe-ramming will be needed to implement the project. In order to minimize disruption to the neighbors, the Commission hereby limits the owners to a maximum total of fourteen (14) days of hoe-ramming during the hours of 8 a.m. to 4:30 p.m. weekdays. Once the fourteen days of hoe-ramming has been achieved, the applicant's architect shall meet with the Planning and Zoning Director to discuss the need for additional work beyond that. **The Planning and Zoning Director may authorize up to three (3) days of blasting to complete the work, and the applicant shall then obtain a Blasting Permit from the Fire Marshal. Any request for hoe-ramming or blasting beyond that total 17 day time frame requires a subsequent review and approval by the Planning and Zoning Commission.**
- C. Due to the specific nature of the project, the provision of a Performance Bond per Section 857 of the Darien Zoning Regulations is hereby waived.
- D. As noted in Section 856 of the Darien Zoning Regulations, no processing, sorting, crushing, mixing, fabrication of rock or gravel or construction debris or other similar activities shall be engaged in or be operated on the site.
- E. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans in Condition A, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- F. Because the property is across the street from Scott's Cove, the applicant does not need to address stormwater quantity, but rather solely water quality. Water quality has been addressed through the proposed installation of a rain garden.
- G. A Drainage Maintenance Plan shall be prepared by the applicant's engineer and submitted to the Planning and Zoning Director for his review with the Town Engineer. This Drainage Maintenance Plan shall require the property owner and all subsequent property owners of 67

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Salem Straits to maintain the rain garden, and will alert future property owners of the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of any filling or regrading work requested herein and prior to the issuance of a Zoning and Building Permit for the proposed house foundation. **The Drainage Maintenance Plan shall also include a maintenance plan for the culvert in the southeast corner of the property.**

AS-BUILTS, CERTIFICATIONS, AND VERIFICATIONS

- H. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Occupancy for the new house, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the driveway as well as the grading in the yard and the planting of the rain gardens have been completed in compliance with the approved plans referred to in Condition A, above.
- I. The applicant's September 23, 2016 letter notes that "We determined that existing 12" RCP that runs under the driveway...clogs....We propose to clean it. If the pipe gets damage during construction we'll replace it." Prior to the issuance of a Certificate of Occupancy for the house, the applicant or property owner shall provide certification that the pipe has been cleaned or replaced if necessary.
- J. Once the project is complete, and prior to the issuance of a Certificate of Occupancy for the residence, the applicant shall submit a final certification that all work has been properly completed in accordance with the approved plans.
- K. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- L. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. A Sewer Connection Permit from Sewer Services is required, as well as separate Zoning and Building Permits for: the house foundation; the house work above the foundation; and the proposed pool. If any blasting is to be done, a Blasting Permit is required from the Darien Fire Marshal. The septic system shall be properly abandoned, as required by the Darien Health Department.
- M. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (November 1, 2017). This may be extended as per Sections 858 and 1009.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents

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by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Commission, and a Special Permit form and Notice of Drainage Maintenance Plan filed in the Darien Land Records prior to the issuance of a Zoning and Building Permit for the new house foundation or this approval shall become null and void.

Chairman Cameron then read the following agenda item:

Flood Damage Prevention Application #362, Land Filling & Regrading Application #395, Wesley & Kristine Depp, 11 Holly Lane. Proposing to raze the existing dwelling and to construct a new replacement single-family residence and to perform related site development activities within a regulated area. *PUBLIC HEARING CLOSED: 10/18/2016. DECISION DEADLINE: 12/23/2016.*

Mr. Sini recused himself from the deliberations.

Mr Rand had a question with respect to the procedures for filing the drainage notice in the Land Records. Mr. Ginsberg detailed the procedures.

There were no further concerns on the application from the Commission.

The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved, 4-0-1 (Mr. Sini abstained). The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 1, 2016**

Application Number: Flood Damage Prevention Application #362
Land Filling & Regrading Application #395

Street Address: 11 Holly Lane
Assessor's Map #9 Lot #146

Name and Address of Applicant & Property Owner: Wesley & Kristine Depp
11 Holly Lane
Darien, CT 06820

Name and Address of Applicant's Representative Douglas DiVesta, PE
DiVesta Civil Engineering Associates, Inc.
51 Painter Ridge Road
Roxbury, CT 06840

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Activity Being Applied For: Proposing to raze the existing dwelling and to construct a new replacement single-family residence and to perform related site development activities within a regulated area.

Property Location: The subject property is on the east side of Holly Lane, approximately 750 feet north of its intersection with Middlesex Road.

Zone: R-1

Date of Public Hearing: October 18, 2016

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: October 7 & 14, 2016

Newspaper: Darien News

Date of Action: November 1, 2016

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
November 11, 2016

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 406, 820, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to raze the existing dwelling and to construct a new replacement single-family residence and to perform related site development activities within a regulated area. The proposed dwelling would have five bedrooms, five bathrooms and contain approximately 5,600 square feet of living space. It will be connected to public water and sewer. The subject property is 1.0595+/- acres.
2. The Darien Environmental Protection Commission (EPC) approved this project on June 1, 2016 as part of EPC #13-2016. That approval is hereby incorporated by reference.

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3. The proposed residence will have just a crawl space with flood vents—not a full basement. The house will have a first floor elevation of 101.0 NAVD 88 (North American Vertical Datum 1988), and is proposed to have sump pumps.
4. The application envisions filling around the yard to allow the new house at least one foot above the flood elevation. The maximum extent of filling and regrading is illustrated on the Proposed Development Site Plan. The fill in the rear yard is to be contained by a boulder wall to prevent any change of conditions in close proximity to the watercourse.
5. The proposed activities, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage. In accordance with the submitted engineering information, the proposed activity will have no adverse impacts on flooding on adjacent properties.

PROPOSED FILLING AND REGRADING

6. Part of this proposal includes the request to fill and regrade and construct associated retaining walls.
7. While the Commission generally discourages fill in a flood zone, especially on such a small lot, in this specific case, the modifications of the plans provides the Commission with a comfort level that the engineering has been properly done, and that if properly implemented, the development will not impact adjacent properties.

STORMWATER MANAGEMENT

8. At the public hearings, Doug DiVesta, Professional Engineer, described the site plan and development aspects of the project. He requested a waiver of Section 880 of the Regulations regarding on-site stormwater management (water quantity), since the subject property is within a flood zone, has high ground water, is in the lower reaches of the Stony Brook watershed, and is adjacent to a brook. The Town's peer review engineer supported the request to waive on-site detention due to the property's location within the watershed. As shown on the submitted plans and as described at the public hearings, the applicant has included two bio-retention areas (rain gardens) to address water quality.
9. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

NOW THEREFORE BE IT RESOLVED that Flood Damage Prevention Application #362 and Land Filling & Regrading Application #395 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
 - Zoning Location Survey depicting Proposed Conditions prepared for Wesley J. Depp Kristine M. Depp, 11 Holly Lane, by William W. Seymour & Associates, dated August 23, 2016.

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- Depp Residence 11 Holly Lane, Proposed Site Development Plan, by DiVesta Civil Engineering Associates, Inc., last revised 10/11/16, Sheet 1 of 2.
- Depp Residence 11 Holly Lane, Details, by DiVesta Civil Engineering Associates, Inc., last revised 10/11/16, Sheet 2 of 2.
- Mitigation Planting Plan, Depp Residence, 11 Holly Lane, by Environmental Land Solutions, dated March 18, 2016, last revised 1-14-2016, Drawing No. MP.1
- Depp Residence, 11 Holly Lane, by James Schettino Architects, last revised 9/19/16, Sheets A5.1 and A5.2.

B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the Proposed Site Development Plan and Details in Condition A, above, and any additional measures as may be necessary due to site conditions. This includes tree protection for trees on and near the subject property. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls (including tree protection) are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

STORMWATER MANAGEMENT

- C. Due to this property's location in a flood zone and its proximity to a brook which flows into Stony Brook, the Commission waives the requirement for on-site detention. A proposed rain garden has been proposed to address water quality.
- D. A Stormwater Management Operation and Maintenance Plan dated 09/18/2016 was prepared by the applicant's engineer and submitted for the record (Appendix A of the Stormwater Management Report). It makes reference to the required maintenance for the proposed stormwater management system. A "Notice of Drainage Maintenance Plan" shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the issuance of a Zoning and Building Permit for the proposed foundation for the new residence.

REQUIRED VERIFICATIONS, PERMITS, AND AS-BUILTS

- E. Accompanying the Zoning and Building Permit applications for the foundation, and prior to commencing construction, a certification shall be submitted from a licensed architect and/or engineer that verifies that the final design of the proposed house crawl space foundation complies with the applicable flood damage prevention requirements. This will include specifying the brand and elevations of the flood vents and might also include the need for more flood vents for the main house and the garage. Once the foundation and house are completed, an as-built verification by the design professional is required.
- F. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Occupancy for the new residence, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management and grading in the yard, including the two

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proposed bio-retention areas (the rain gardens) have been completed in compliance with the approved plans referred to in Condition A, above.

- G. Once the project is complete, and prior to November 1, 2017, the applicant shall:
- 1) submit a final “as built” map and/or other evidence that all work has been properly completed in accordance with the approved plans. This as-built survey shall reflect the location of any air conditioning unit(s), generator, and above ground propane tanks, all of which shall comply with the required minimum flood elevations as part of this application. If a propane tank is in the flood zone and buried, it must be properly strapped down.
 - 2) The as-built survey shall also show topography, with spot elevations and one foot elevation contour lines, which must match, or be lower than the approved plan. No additional filling or regrading or raising of the ground level is allowed.
 - 3) A certification from the landscape architect is required to confirm that the Mitigation Planting Plan has been fully implemented.
- H. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. A Demolition Permit from the Building Department will be required. Separate Zoning and Building Permits will be required for this project: one for the new foundation of the proposed residence, and one for the remainder of the proposed residence. A Sewer Connection Permit will be also required for the new residence.
- I. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- J. This permit shall be subject to the provisions of Sections 815 and 858 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (November 1, 2017). This may be extended as per Sections 815 and 858.

A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next sixty days AND prior to the issuance of the Zoning and Building Permit for the foundation permit for the new replacement residence in order to finalize this approval.

Chairman Cameron then read the following agenda item:

Special Permit Application #291, Brad & Ashley Katsuyama, 6 Windsor Road. Proposing to install a sport court with associated stormwater management and to perform related site development activities. *PUBLIC HEARING CLOSED: 10/18/2016. DECISION DEADLINE: 12/23/2016.*

The Commission discussed and agreed upon minor modifications to the draft resolution.

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The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 1, 2016**

Application Number: Special Permit Application #291

Street Address: 6 Windsor Road
Assessors Map #26 Lot #67

Name and Address of Property Owner:
And Applicant: Brad & Ashley Katsuyama
6 Windsor Road
Darien, CT 06820

Name and Address of
Applicant's Representative: Jeff McDougal
William Seymour & Associates, PC
170 Noroton Avenue
Darien, CT 06820

Activity Being Applied For: Proposing to install a sport court with associated stormwater management and to perform related site development activities.

Property Location: The subject property is on the east side of Windsor Road, approximately 225 feet south of its intersection with Greenleaf Avenue.

Zone: R-1

Date of Public Hearing: October 18, 2016

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices
Dates: October 7 & 14, 2016 Newspaper: Darien News

Date of Action: November 1, 2016 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: November 11, 2016 Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

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- the proposed use and activities must comply with all provisions of Sections 400, 880, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to construct a 35' x 65' sport court and to perform related site development activities. The subject property is 1.236+/- acres. The proposed multi-purpose seasonal sports court is an accessory use requiring a Special Permit under Section 405b of the Darien Zoning Regulations. Separate Zoning Permits have already been obtained for the large addition to the south side of the house and for the swimming pool. Those items do not require Special Permit approval by the Commission.
2. The applicant has not proposed permanent or temporary light fixtures of the sports court.
3. The Commission notes with respect to the drainage system around the court, the need for the property owners to file a Notice of Drainage Maintenance Plan outlining the protocol for maintenance of the proposed and installed drainage system in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
4. At the public hearing, it was noted that the applicants propose to supplement the existing plantings on site in order to create a 25 foot wide planted buffer near the east and south property boundaries. These plantings include Arborvitae, spruce, hemlock, oak, and sugar maple. The Commission finds that the additional trees to be planted to the east and south of the sports court satisfy the Zoning Regulations.
5. The sports court, as designed, complies with all yard setbacks and building coverage maximums in the Zoning Regulations. No members of the general public submitted comments for the record or commented at the public hearing.
6. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
7. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.

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8. The location and nature of the proposed use are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
9. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
10. With the specific conditions outlined herein, the proposal conforms to the standards for approval as specified in Section 1005(a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE, BE IT RESOLVED that Special Permit Application #291 is hereby modified and granted subject to the foregoing and following stipulations, conditions, modifications and understandings:

- A. Construction of the proposed sports court and related plantings and stormwater management shall be in accordance with the following plans submitted to the Commission:
 - Zoning Location and Topographic Survey 6 Windsor Road prepared for Brad Katsuyama Ashley Katsuyama, by William W. Seymour & Associates, dated June 6, 2016 and last revised September 27, 2016.
 - Site Plan Katsuyama Residence 6 Windsor Road, by Woodard & Curran, dated August 2016 and last revised 10/3/2016, Sheet C-01.
 - Tree Removal and Screening Plan, by Wesley Stout Associates, scale 1"=20', dated 9-28-2016, Sheet PL-1.0.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the 10/3/2016 Site Plan as noted in Condition A above, and any additional measures as may be necessary due to site conditions, including the tree protection as mentioned above. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified once the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. The proposed sports court construction does not involve the installation of any lights. No temporary or permanent lighting is approved and none is allowed, as part of this application.
- D. The approved plans show new proposed trees and plantings to the east and south of the proposed sport court. These plantings are an integral part of this approval. It is the responsibility of the owner to maintain that landscaping in good condition, and replace any landscaping that is dead, dying, or diseased with the same landscaping species and sizes. The goal of the landscaping is to provide visual screening of the sports court from the adjacent properties to the east and south and to a lesser extent, to minimize the noise from people playing on the court.

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- E. The plan submitted with the application includes the installation of a drainage system to manage the additional runoff to be created by the impervious surface. This drainage system must be installed prior to the completion of the project and/or use of the sports court.
- F. By January 1, 2017 (within the next 60 days) a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of 6 Windsor Road to maintain the on-site drainage facilities, and will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records by the owner within the next 60 days of this approval and prior to the start of any filling or regrading work around the house.
- G. The applicant shall install the drainage system as shown on the submitted plans. The applicant/property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent properties. If such problems do become evident in the future, the owner of the property shall be responsible of remedying the situation at their expense and as quickly as possible.
- H. Prior to the issuance of a Certificate of Zoning Compliance and/or use of the sports court:
 - 1) A final “as-built” survey from a licensed land surveyor is hereby required to certify that the sport court is in compliance with the approved plans, including the side and rear yard setbacks for the court; and
 - 2) A Professional Engineer shall certify in writing that the stormwater management has been properly completed in accordance with the approved plans; and
 - 3) A Landscape Architect shall submit a letter and/or photographs certifying that the required plantings have been installed pursuant to the Tree Removal and Screening Plan.
- I. In evaluating this application, the Planning & Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- J. The granting of this Special Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. Zoning and Building Permits are required prior to the construction of the sports court.
- K. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (by November 1, 2017). This may be extended as per Section 1009.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. Within sixty days of this action, and prior to the issuance of a Zoning or Building

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Permit, a Special Permit form and Notice of Drainage Maintenance Plan both must be filed in the Darien Land Records or this approval shall become null and void.

Chairman Cameron then read the following agenda item:

Special Permit Application #293, Karen Hand, 679 Boston Post Road. Proposing to establish an acupuncture office (a personal service use) in the first floor of the existing building.

The Commission discussed and agreed upon minor modifications to the draft resolution.

The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. Rand and approved 4-0-1, with Mr. Olvany abstaining. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 1, 2016**

Application Number: Special Permit Application #293

Street Address: 679 Boston Post Road
Assessor's Map #16 as Lot #63

Name and Address of Applicant &
Applicant's Representative: Karen Hand
96 Fitch Avenue #1
Darien, CT 06820

Name and Address of Property Owner: Hayven II, LLC
181 Old Post Road
Fairfield, CT 06890

Activity Being Applied For: Proposing to establish an acupuncture office (a personal service use) of approximately 750 square feet in the first floor of the existing building with ancillary parking at the rear of the building.

Property Location: The subject property is located on the west side of Boston Post Road, approximately 425 feet southwest of its intersection with Brookside Road.

Zone: Designed Business 1 (DB-1) Zone.

Date of Public Hearing: October 25, 2016

Time and Place: 8:00 P.M. Room 206 Town Hall

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Publication of Hearing Notices

Dates: October 14 & 21, 2016

Newspaper: Darien News

Date of Action: November 1, 2016

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
November 11, 2016

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 610, 905, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application narrative, the submitted proposed floor plan sketch, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to establish an acupuncture office in a 750+/- square foot portion of the first floor of the existing building at 679 Boston Post Road. It is a multi-tenant building, with another commercial tenant on the second floor. The subject property, of approximately 0.4 acres, contains a shared parking lot in the rear of the building, with nine parking spaces.
2. The applicant noted that she had received approval from the Commission in 2015 to establish an acupuncture office in Noroton Heights, but that approval was never implemented.
3. During the public hearing the applicant explained that the proposal is for two treatment rooms. It is a low volume use, since it is rare to have more than two clients present on-site at any one time. It was noted that the office would be open on weekdays from 8 A.M. to 8 P.M. and weekends by appointment.
4. The location and size of the use, the nature of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
5. The location and nature of the proposed use, is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.

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6. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
7. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
8. The elements of the Site Plan, submitted as part of the application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
9. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

NOW THEREFORE, BE IT RESOLVED that Special Permit Application #293 is hereby modified and granted subject to the foregoing and following stipulations, conditions, modifications and understandings:

- A. The establishment of the acupuncture office shall be in accordance with the 8-1/2" x 11" floor plan submitted to the Commission, as may need to be modified by the Fire Marshal and/or the Building Official.
- B. Because there is no increase in impervious surface as part of this application, the Commission waives its requirement for stormwater management under Section 880 of the Darien Zoning Regulations.
- C. At the public hearing, the proposed business operator said that it is unlikely that there would be more than two clients on-site at any one time since there will only be two treatment rooms. Because of the fact that this use is in a commercial zone, and due to the nature of the proposed use, the Commission does not put a limit on the operating hours. All workers at the site shall park in the rear of the building, not on the Boston Post Road. All delivery vehicles shall avoid parking on the Boston Post Road. They too shall use the rear parking area.
- D. If, at some time in the future, the property owner wishes to expand the business in terms of additional space, services offered, or other aspects of the business, then prior review and action by the Planning & Zoning Commission is required.
- E. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. The tenant fit-up work will require Zoning and Building Permits and review by the Fire Marshal. Any desired signage for this business requires review and action by the Architectural Review Board.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive,

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incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.

- G. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action by (March 24, 2016). This may be extended as per Section 1009.

All provisions and details of the floor plan (as may be modified by the Fire Marshal or Building Official) shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. Within sixty days of this action, and prior to the issuance of a Zoning or Building Permit for the interior tenant fit-up, a Special Permit form must be filed in the Darien Land Records or this approval shall become null and void.

Chairman Cameron then read the following agenda item:

Business Site Plan #258-A, BlueMercury, 1015 Boston Post Road. Request to offer services ancillary to the existing retail business. *PUBLIC HEARING CLOSED: 10/25/2016.*

The Commission discussed and agreed upon minor modifications to the draft resolution.

The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. Rand and approved 4-0-1, with Mr. Olvany abstaining. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 1, 2016**

Application Number: Business Site Plan Application #258-A

Street Address: 1015 Boston Post Road
Assessor's Map #73 as Lot #15 & #16

Name and Address of Applicant &
Applicant's Representative:

Lily Goodson
BlueMercury, Inc.
1010 Wisconsin Ave, NW
Suite 700
Washington DC 20007

Name and Address of Property Owner:

Kleban Day Street, LLC
1499 Post Road
Fairfield, CT 06824

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Activity Being Applied For: Request to offer beauty services ancillary to the existing BlueMercury retail business. Services to be performed by a licensed aesthetician in a private setting.

Property Location: The subject property is on the northwest corner formed by the intersection of Boston Post Road and Day Street.

Zone: CBD Zone

Date of Public Hearing: October 25, 2016

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: October 14 & 21, 2016

Newspaper: Darien News

Date of Action: November 1, 2016

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
November 11, 2016

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 650, 905, and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application narrative, the submitted proposed floor plan sketch, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to offer services ancillary to the existing BlueMercury retail business at 1015 Boston Post Road. The subject property contains another building at 13 Grove Street, with a shared parking lot in between the two buildings. This shared parking lot provides on-site parking for the residential and business uses within the 1015 Boston Post Road building as well as the 13 Grove Street building.
2. The original approval for the buildings at 13 Grove Street and 1015 Boston Post Road specified that the business uses would only be retail sales. When BlueMercury was approved, the approval specified that it was for retail sales only and not for personal service type use. This proposal is to convert an existing space of 108 square feet within the BlueMercury business. That space is now used as storage, and will be used for services, including makeup applications,

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skincare consultations, waxing, and facials. There is no expansion of the existing building envelope. Services will largely be “by appointment only”, and will likely involve the addition of one on-premise employee.

3. Parking counts were submitted by the applicant, along with an explanation of nearby parking available to accommodate the additional service area and one additional employee.
4. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
5. The elements of the Site Plan, submitted as part of the application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

NOW THEREFORE, BE IT RESOLVED that Special Permit Application #248-A is hereby modified and granted subject to the foregoing and following stipulations, conditions, modifications and understandings:

- A. The establishment of the ancillary service use, in a space now used for storage, shall be in accordance with the 8-1/2” x 11” floor plan submitted to the Commission, as may need to be modified by the Fire Marshal and/or the Building Official. The space to be used will be approximately 108 square feet.
- B. Because there is no increase in impervious surface as part of this application, the Commission waives its requirement for stormwater management under Section 880 of the Darien Zoning Regulations.
- C. At the public hearing, the proposed business operator said that it is unlikely that there would be more than one service client on-site at any one time since there will only be one service room, and services are mostly “by appointment only”. Because of the fact that this use is in a commercial zone, and due to the nature of the proposed use, the Commission does not put a limit on the operating hours.
- D. If, at some time in the future, the applicant wishes to expand the business in terms of additional space for services or additional services offered, then prior review and action by the Planning & Zoning Commission is required.
- E. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. The tenant fit-up work may require Zoning and Building Permits and review by the Fire Marshal. Health Department approval will also be needed.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive,

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incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.

- G. This permit shall be subject to the provisions of Section 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action by (November 1, 2017). This may be extended as per Section 1028.

All provisions and details of the floor plan (as may be modified by the Fire Marshal or Building Official) shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

At about 8:50 p.m., Chairman Cameron then read the following agenda item:

Deliberations only regarding the following four items:

Special Permit Application #89-H/Site Plan, Flood Damage Prevention Application #363, Land Filling & Regrading Application #396, Town of Darien Public Works Garage, 126 Ledge Road. Proposing to construct additions and alterations to the existing Public Works Garage; install a new above ground fuel tank; and to perform related site development activities within a regulated area. *PUBLIC HEARING CLOSED: 10/25/2016.*

Mr. Sini and Mr. Voigt discussed the lot line change and the site being appropriate for being included in the Municipal Use Overlay Zone (MU). Mr. Sini suggested that when the applicant comes in for the lot line change, that they also submit for inclusion in the MU Zone at the same time.

Mr. Ginsberg said that staff will draft a resolution for November 22, 2016.

Chairman Cameron then read the following agenda item:

Land Filling & Regrading Application #393, Almond & Carol Nickerson, 20 Robin Hood Lane. Proposing to fill and regrade in association with the construction of a replacement single-family residence and associated in-ground pool, and to perform related site development activities. *PUBLIC HEARING CLOSED: 10/25/2016.*

Chairman Cameron said that her only concern was that stormwater flow to the catch basin. Mr Sini wanted to be assured that trees would be planted in front of the proposed retaining wall and that a drainage maintenance plan would be in place. A draft resolution will be prepared.

Chairman Cameron then read the following agenda item:

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Flood Damage Prevention Application #189-C, Land Filling & Regrading Application #372-B, Michael Nikolas, 4 Silver Lakes Drive. Proposal to construct a single-family residence, in-ground swimming pool, and associated filling and regrading and to perform related site development activities within a regulated area. *PUBLIC HEARING CLOSED: 10/25/2016.*

Chairman Cameron asked for assurance that the proposed pool has been removed from the plans, and that the EPC remediation plan along the pond was still in place since it was not shown on the site plan. Mr. Ginsberg said that this would be made a condition for consistency. Ms. Cameron also noted that the wall had been moved back from the property and that the plans had been amended to address the neighbor's concerns. A draft resolution will be prepared.

Chairman Cameron then read the following agenda item:

Coastal Site Plan Review #166-A, Flood Damage Prevention Application #128-B, Carter Sullivan, 118 Five Mile River Road. Proposing to construct additions and alterations to the existing single-family residence and to perform related site development activities within regulated areas. *PUBLIC HEARING CLOSED: 10/25/2016.*

Mr. Voigt noted that the proposed improvements are partly within the 100-foot CAM review area, but that it is an addition to an existing structure. Mr. Sini asked that staff note this in the resolution. Mr. Sini noted that the applicant will not be tying into the sewer and are not required to do so. A draft resolution will be prepared.

Chairman Cameron then read the following agenda item:

Project Status Update.

Mr. Ginsberg provided project status updates for Knobel Hill, Leroy/West, Shake Shack, 23 Lynn Court, Kensett II, and 131 Hollow Tree Ridge Road.

Chairman Cameron then read the following agenda item:

Discussion of Town Plan Implementation work.

Chairman Cameron inquired as to whether funding in the budget for completion of implementation work expires June 30, 2016.

Chairman Cameron inquired as to whether Glen Chalder from Planimetrics could focus on changes to residential zones with respect to coverage or impervious surface and floor area ratio (FAR) and on simplifying and reducing the number of commercial zones.

Mr. Voigt and Mr. Sini and the rest of the Commission discussed Mr. Chalder's proposal/scope of work. It was agreed that the number of meetings should be cut back and the proposal tightened up if possible. Mr. Olvany said that he didn't think the work should take seven months to complete. Mr.

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Voigt inquired if Mr. Chalder would be able to work on all three work items at the same time to be more efficient, including signage regulations and modifications to the residential and commercial zones. The Commission agreed to continue this discussion at the Commission's November 22, 2016 meeting.

Chairman Cameron and Mr. Olvany discussed bringing in the ZBA and ARB as part of the process of updating the zoning regulations on signs.

Chairman Cameron then read the following agenda item:

Approval of Minutes

September 27, 2016 General Meeting/Public Hearing

Several clarifications and corrections were discussed and agreed upon. The motion to adopt the corrected Minutes was made by Mr. Voigt and seconded by Mr. Olvany and passed by a vote of 4-0-1, with Mr. Rand abstaining and Chairman Cameron abstaining on the Okie application.

October 4, 2016 Executive Session/General Meeting/Public Hearing

Several clarifications and corrections were discussed and agreed upon. The motion to adopt the corrected Minutes was made by Mr. Voigt and seconded by Mr. Sini and passed by a vote of 5-0.

Any Other Business (Requires two-thirds vote of Commission)

Mr. Voigt made a motion to go into "Other Business" to discuss scheduling. That motion was seconded by Mr. Sini, and unanimously approved.

Mr. Ginsberg explained the next scheduled meeting will be November 22, which will include public hearings on the Mather Homestead, and 16 Phillips Lane. He noted that there will also be one or two other public hearings on that agenda. Chairman Cameron asked Mr. Ginsberg to organize a site visit for Commission members of the Mather Homestead. Mr. Ginsberg said that the November 29 meeting, which will be in the Auditorium, will include a public hearing on lights at the high school. This will also require EPC review and action. The Corbin rezoning application will have a public hearing on January 10, 2017. A special December 2016 meeting date is not likely at this point.

There being no further business, the following motion was made: That the Commission adjourn the meeting. The motion was made by Mr. Olvany, seconded by Mr. Voigt and unanimously approved. The meeting was adjourned at 9:22 P.M.

Respectfully submitted,

Fred W. Doneit, GISP
Senior Planner